

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 10, 13, 17, 20, and 31, claims 1, 3-14, 17-25, 27-34, and 37-74 remain pending. In the office action, the drawings were objected to under 37 CFR 1.83(a), the specification is objected to as failing to provide proper antecedent basis, claims 57 and 63 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, claims 1, 3-4, 9-11, 13-14, 17-25, 27-34, 37-56, 60-62, 64, 66-74 were rejected under 35 U.S.C. §102(b) as being anticipated by Moody, claims 5-8, 12, 57-59, 63, 65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moody, claims 1, 3-14, 17, 20-28, 30-34, 37, 39-56, 58-62, 64-74 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Itkis; and claims 18-19, 29, 38 were rejected under 35 USC §103(a) as being unpatentable over Walker in view of Itkis and further in view of Celona.

Applicants respectfully request reconsideration of the claims in view of the amendments above and remarks below.

Formal matters

Drawing rejections

The drawings were objected to under 37 CFR §1.83(a). The rejection stated that the drawings must show every feature of the invention specified in the claims. Applicants have added Fig. 37 and corresponding description. Fig. 37 shows a gaming apparatus with a pay table calculator. Applicants submit that the pay table calculator is now shown in the drawings. Applicants submit that no new matter was submitted in the amendment. Claims 1 and 2 were part of the original specification and support the newly added Fig. 37 and description.

The rejection also stated that figs. 10, 14, 20, and 27 depict hand frequencies, but not a composite or third pay table. Applicants submit that figures 14 and 27 show composite pay tables according to one embodiment of the present invention. Accordingly, the composite pay table is shown in the figures.

Accordingly, Applicants respectfully request withdrawal of the rejection of drawings.

Specification Rejections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter of a pay table calculator and composite pay table. Applicants have amended the specification to include proper antecedent basis for the pay table calculator and creation of the composite pay table. Applicants request withdrawal of the objection of the specification.

The disclosure was objected to because of the following informalities: the brief description of the drawings does not appear to correctly describe figs. 10, 14, 20, or 27. Applicants have amended the brief description of the drawings to correctly describe figs. 1-37. Accordingly, Applicants respectfully request withdrawal of the objection to the disclosure.

The amendment filed May 30, 2004 was objected to under 35 USC § 132 because it introduces new matter into the disclosure. The rejection states that the added material is not supported by the original disclosure as follows: a wager is received in order to participate in the new game where the new game is a composite of at least first and second game results. Applicants submit that no new matter was added by the amendment. The matter is at least disclosed or suggested on pg. 5, line 32 - pg. 6, line 8, pg. 6, lines 9-20 and page 7, lines 25-31. These passages discuss new games and the creation of pay tables for the new games. Applicants thus request withdrawal of the objection.

Section 112 Rejections

Claims 57 and 63 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants submit the claimed subject matter is at least disclosed or suggested on pg. 5, line 32 - pg. 6, line 8, pg. 6, lines 9-20 and page 7, lines 25-31. These passages discuss new games and the creation of pay tables for the new games. Applicants thus request withdrawal of the rejections.

The Moody Rejections

Claim 1 was rejected under 35 U.S.C. §102 (b) as being anticipated by Moody. Applicants respectfully submit that Moody does not disclose or suggest every element of claim 1, as amended. For example, Moody fails to disclose or suggest a plurality of games accessible

to an electronic gaming device where different games in the plurality of games include different odds and different pay tables. Also, Moody fails to disclose or suggest a user-actuated input that allows selection of multiple games in the plurality of games and a pay table calculator that calculates a composite pay table based on the odds and pay tables for the multiple games selected.

Moody discloses multiple pay lines for the same type of the game. Each pay line is for the same game that includes the same odds and pay table. For example, table 1 shows a pay table that is used for each pay line. *See Moody*, col. 3, lines 34-36. Moody may disclose special bonus payouts if a player achieves five high-ranking combinations at the same time. However, Moody does not disclose or suggest different games with different odds and different pay tables and also a pay table calculator that calculates a composite pay table based on the odds and pay tables of multiple games.

Also, a combination of Moody and Itkis would not disclose or suggest every element of claim 1, as amended. Itkis may disclose a menu of a plurality of games but uses a separate pay table for each game. Thus, the combination does not disclose or suggest a pay table calculator that calculates a composite pay table based on the odds and pay tables of multiple games. Further, there is no suggestion in Moody that it can be played with different games with different odds and different pay tables.

Accordingly, Applicants respectfully request of withdrawal of the rejection of claim 1. Claims 3-9, 18, 41-44, and 54-59 depend from claim 1 and thus derive patentability at least therefrom.

The Walker Rejections

Claim 1 was rejected under 35 USC §103 as being unpatentable over Walker in view of Itkis. Applicants submit that Walker and Itkis, either alone or in combination, do not disclose or suggest every element of claim 1, as amended. For example, Walker and Itkis, either alone or in combination, fail to disclose or suggest a plurality of games accessible to electronic gaming device where different games in the plurality of games include different odds and different pay tables. Also, Walker and Itkis, either alone or in combination, fail to disclose or suggest a user-actuated input that allows selection of multiple games and a pay table calculator that calculates a composite pay table based on the odds and pay tables for the multiple games.

Walker discloses slot machines that allow for team play. Bonus conditions are determined for the team play and are awarded at the end of a bonus time period. The same game can be played on multiple slot machines by different players. Itkis is cited as disclosing a menu having plurality of games selectable by a player.

Walker and Itkis, either alone or in combination, do not disclose or suggest a plurality of games that include different games that have different odds and different pay tables where a user can select multiple games from the plurality of games for simultaneous gameplay and a composite pay table based on the odds and pay tables of the multiple games selected is created. The combination of Walker and Itkis may disclose a game that will allow team play in addition to a menu for selecting games from a plurality of games; however, this combination does not disclose to suggest calculating a composite pay table for the multiple games based on the odds and pay tables of the games. The pay table disclosed in Walker is for the results of the same game (see Fig. 5, team play video poker). Walker does not disclose or suggest that different games with different odds and pay tables may be selected for simultaneous gameplay. Also, Itkis may disclose a menu of a plurality of games but uses a separate pay table for each game. Thus, the combination of Walker and Itkis does not disclose or suggest a pay table calculator that calculates a composite pay table based on the odds and pay tables of multiple games. Rather, the combination discloses a menu of games where a player can select the same game for team play. Further, there is no teaching in Walker how it can be played with different games with different odds and different pay tables.

Further, Applicants submit that it would not been obvious to combine Walker and Itkis to disclose or suggest every element of claim 1, as amended. Walker is directed towards team play and contemplates teams playing the same game. Nowhere in Walker is it disclosed or suggested that a composite pay table is generated based on odds and pay tables of multiple games selected. Further, nowhere in Itkis is it disclosed or suggested that a composite pay table for the multiple games selected is generated.

Accordingly, Applicants respectfully request of withdrawal of the rejection of claim 1. Claims 3-9, 17-18, 41-44, 54-59 depend from claim 1 and thus derive patentability at least therefrom. Further, these claims recite additional nonobvious and novel features. For example, claim 41 recites "wherein the play of the multiple ones of said plurality of games is

self-contained in the gaming apparatus." Walker is configured to play on multiple machines. Accordingly, Walker does not disclose or suggest play of multiple games in a self-contained gaming apparatus.

Embodiments of the present invention provide many advantages. A player is allowed to choose from different games, such as Keno, video poker, etc. These different games have different odds and pay tables. Creating a composite pay table based on the odds and pay tables of multiple games and allowing simultaneous gameplay may increase coin-in and also allow a player to play for higher jackpots and bonuses.

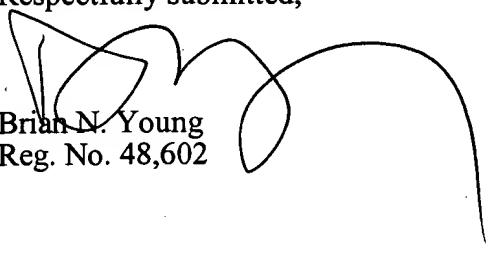
Applicants submit that claims 10, 13, 20, and 31 are allowable for at least a similar rationale as discussed with respect to claim 1. Claims 11-12, 19, 45-48, and 60-65 depend from claim 10, claims 14, 17-19, 49-53, and 66-68 depend from claim 13, claims 21-25, 27-30, and 69-71 depend from claim 20, and claims 32-34, 37-41, and 72-74 depend from claim 31 and thus derive patentability at least therefrom. Accordingly, applicants respectfully request withdrawal of the rejections.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachment
BNY:jtc
60332705 v1

Appl. No. 09/770,998
Amdt. dated February 17, 2005
Reply to Office Action of August 19, 2004

PATENT

Amendments to the Drawings:

The attached sheet of drawings includes new, additional Fig. 37. This new sheet, which includes Fig. 37, is to be inserted after existing Fig. 36.

Attachment: New Sheet